

BREANE P. STRYKER
Nevada Bar No. 13594
BRENDA H. ENTZMINGER
Nevada Bar No. 9800
PHILLIPS, SPALLAS & ANGSTADT LLC
504 South Ninth Street
Las Vegas, Nevada 89101
(702) 938-1510

*Attorneys for Defendant
Wal-Mart Stores, Inc.*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARY LINDAHL, individually,

Plaintiff,

v.

WAL-MART STORES, INC.; DOES I-V; and
ROE CORPORATIONS I-V, inclusive,

Defendants.

Case No.: 2:14-cv-01579-JAD-CWH

**PROPOSED JOINT DISCOVERY PLAN
AND SCHEDULING ORDER
SUBMITTED IN COMPLIANCE WITH
LR 26-1(e)**

Pursuant to Local Rule 26-1(e), the parties submit their proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day.

1. **Meeting:** Pursuant to FRCP Rule 26(f), a meeting was held on November 3, 2014, and was attended telephonically by Breane P. Stryker, Esq., of PHILLIPS SPALLAS & ANGSTADT LLC, for Defendant Wal-Mart Stores, Inc., and Joseph F. Schmitt, Esq., of GLEN LERNER INJURY ATTORNEYS, for Plaintiff.

2. **Pre-Discovery Disclosures:** Pursuant to FRCP Rule 26(a)(1), the parties will make their pre-discovery disclosures, including but not limited to any Computation(s) of Damages required pursuant to FRCP 26(a)(i)(A)(iii), by November 17, 2014.

1 3. **Areas of Discovery**: The parties agree that the areas of discovery should include, but not
2 be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

3 4. **Discovery Plan**: The parties propose the following discovery plan:

4 A. **Discovery Cut-off Date(s)**: LR 26-1(e)(1) provides that “unless otherwise
5 ordered, discovery periods longer than one hundred eighty (180) days from the date the first
6 defendant answers or appears will require special scheduling review.” The parties agree that there is
7 no need for a special scheduling review. Therefore, the parties agree that discovery must be
8 commenced and completed no later than March 24, 2015. This date is 180 days after Defendant’s
9 filing of an answer, or first appearance.
10

11 B. **Amending the Pleadings and Adding Parties**: The parties shall have until
12 December 24, 2014, to file any motions to amend the pleadings to add parties. This is 90 days
13 before the discovery cut-off date.
14

15 C. **FRCP 26(a)(2) Disclosure of Experts**: Disclosure of experts shall proceed
16 according to FRCP Rule 26(a)(2) and LR 26-1(e)(3) as follows: The disclosure of experts and their
17 reports shall occur on or before January 23, 2015. The disclosure of rebuttal experts and their
18 reports shall occur on or before February 23, 2015. These deadlines are 60 and 30 days before the
19 discovery cut-off date, respectively.
20

21 D. **Interim Status Report**: The parties shall file the interim status report by January
22 23, 2015, 60 days before the discovery cut-off date, as required by LR 26-3.

23 E. **Dispositive Motions**: The parties shall have until April 24, 2015, to file
24 dispositive motions. This is 30 days after the discovery cut-off date, as required by LR 26-1(e)(4).

25 F. **Pre-Trial Order**: The parties will prepare a Consolidated Pre-Trial Order on or
26 before May 26, 2015, which is not more than 30 days after the date set for filing dispositive motions
27 in the case, as required by LR 26-1(e)(5). This deadline will be suspended if dispositive motions are
28

1 timely filed until 30 days after the decision of the dispositive motions or until further order of the
2 Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be made in the
3 pre-trial order.

4
5 G. **Court Conferences**: If the Court has questions regarding the dates proposed by
6 the parties, the parties request a conference with the Court before entry of the Scheduling Order. If
7 the Court does not have questions, the parties do not request a conference with the Court.

8 H. **Extensions or Modifications of the Discovery Plan and Scheduling Order**: LR
9 26-4 governs modifications or extensions of this Discovery Plan and Scheduling Order. Any
10 stipulation or motion to extend a deadline set forth in the discovery plan and scheduling order must
11 be made not later than 21 days before the subject deadline. Any stipulation or motion to extend the
12 discovery cut-off period must be made no later than March 3, 2015, 21 days before the discovery
13 cut-off date.

14
15 I. **Authorizations**: It is agreed that Plaintiff Mary Lindahl will complete, sign, and
16 serve on Defendant on or before November 17, 2014, the following forms provided to Plaintiff's
17 counsel by Defense counsel: (1) Release Regarding Controlled Substance Information; (2) a HIPAA-
18 Compliant Authorization for the Release of Patient Information Pursuant to 45 CFR 164 with the
19 first section (provider information) left blank; (3) Social Security Administration Consent for
20 Release of Information; and (4) Consent for Release of Employment Information, left blank.
21 Defendant reserves the right to request an IRS Release should Plaintiff assert a wage loss claim.

22
23 J. **Format of Discovery**: Pursuant to the electronic discovery amendments to the
24 Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-discovery
25 issues pertaining to the format of discovery at the Rule 26(f) conference. The parties do not
26 anticipate discovery of native files or metadata at this time, but each party reserves the right to make
27 a showing for the need of such electronic data as discovery progresses.
28

1 K. **Independent Medical Examination:** Defendant reserves the right to have
2 Plaintiff undergo an Independent Medical Examination, should Plaintiff add a claim of future
3 damages to her current claimed damages.
4

5
6 DATED this 7th day of November, 2014.

7 **GLEN LERNER INJURY ATTORNEYS**

8 */s/ Joseph F. Schmitt*

9 JOSEPH F. SCHMITT, ESQ.
10 Nevada Bar No. 9681
11 4795 South Durango Drive
12 Las Vegas, Nevada 89147

PHILLIPS, SPALLAS & ANGSTADT LLC

/s/ Breane P. Stryker

BRENDA H. ENTZMINGER
Nevada Bar No. 9800
BREANE P. STRYKER
Nevada Bar No. 13594
504 South Ninth Street
Las Vegas, Nevada 89101
(702) 938-1510

*Attorneys for Defendant
Wal-Mart Stores, Inc.*

13
14
15 **ORDER**

16 **IT IS SO ORDERED.**

17
18 
19 **UNITED STATES MAGISTRATE JUDGE**

DATED: November 10, 2014

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of November, 2014, I served a true and correct copy of the foregoing, **PROPOSED JOINT DISCOVERY PLAN AND SCHEDULING ORDER SUBMITTED IN COMPLIANCE WITH LR 26-1(e)**, by facsimile and by U.S. Mail, in a sealed envelope, first-class postage fully prepaid, addressed to the following counsel of record, at the address listed below:

ATTORNEY OF RECORD	TELEPHONE/FAX	PARTY
JOSEPH F. SCHMITT, ESQ Nevada Bar No. 6635 ADAM D. SMITH, ESQ. Nevada Bar No. 9690 GLEN LERNER INJURY ATTORNEYS 4795 South Durango Drive Las Vegas, NV 89147	Phone 702-877-1500 Fax 702-933-7043	Plaintiff

/s/ Billi Montijo

An Employee of PHILLIPS, SPALLAS & ANGSTADT LLC